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BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			DARNO, PATRICK A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/558,544	Applicant(s) BRETT, HAYTON	
	Examiner PATRICK A. DARNO	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03092007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 21 and 24-27 are canceled. Claims 3, 6, 10, 12, 13-14, 17-20, and 22-23 are amended. Claims 1-20 and 22-23 are pending in this office action.

Claim Objections

2. Claim 4 is objected to because of the following informalities:
 - Claim 4 contains the phrase, “where the at least one code identifies any one or a combination of the property, the Agent the type of property information.” The underlined portion appears to have minor typographical errors (arising from unintentional absence of a word or two) or general grammatical errors. The Examiner brings this to the attention of the Applicant so that the Applicant can address the issue and correct the wording to make it more clear. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, because the specification fails to provide adequate enablement support the claim.

With respect to claim 13, claim 13 is a “single means claim.” Specifically, claim 13 recites a “processor means” which does not appear in combination with another recited means element. A claim containing such a “single means” limitation subject to undue breadth under 35 U.S.C. 112, first paragraph (see MPEP 2164.08(a)). Undue breadth arises because the limitation

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at question in claim 13 covers every conceivable processing means. However, the Applicant's specification covers only the means that were known to the inventor at the time the invention was filed. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983). Therefore, claim 13 stands rejected under 35 U.S.C. 112, first paragraph.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 15-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 15 is a claim directed to "[a] webpage." 35 U.S.C. 101 limits patentability to inventions of any new and useful process, machine, manufacture, or composition of matter. "A webpage" is not one of a useful process, machine, manufacture, or composition of matter, therefore, "[a] webpage" is determined to be non-statutory subject matter under 35 U.S.C. 101. Since the claim is directed to non-statutory subject matter, the claim is rejected under 35 U.S.C. 101.

Claims 16-20 are rejected because they either contain or inherit the deficiencies of claim 1.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8, 12-20, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication Number 2006/016482 issued to Jeffrey Jacobson et al. (hereinafter “Jacobson”).

Claim 1:

Jacobson discloses a method of making available information, including documents, relating to the legal and/or real estate industries for viewing and/or printing via the Internet (*Jacobson: paragraphs [0006] - [0008]*), the method including the steps of:

obtaining information relating to a property in an electronic format (*Jacobson: paragraphs [0011], [0012], and [0025], lines 4-8*),

providing the information at a first location (*Jacobson: paragraph [0035], lines 4-10 and paragraph [0040], lines 1-7 and paragraphs [0011], [0012], and [0025], lines 4-8; Note that the user first access the “property services server platform” and retrieves and can manipulate real estate data stored in a first location.*),

providing a hyperlink for the information between the first location and a second location (*Jacobson: paragraph [0028], lines 13-19; Note that the hyperlink links the property services server platform (first location) to the deal agent (second location).*),

wherein the first location is a database or host website and the second location is an Agent’s website (*Jacobson: paragraph [0028]; Specifically note paragraph [0028], lines 13-19*).

Claim 2:

Jacobson discloses all the elements of claim 1, and Jacobson further discloses the step of providing a hyperlink to property information, such as a thumbnail or property photograph (*Jacobson: paragraph [0105] and paragraph [0253]*).

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Claim 3:

Jacobson discloses all the elements of claim 1, as noted above, and Jacobson further discloses the step of providing a hyperlink between property information, such as a thumbnail or property photograph, and associated information (*Jacobson: paragraph [0105] and paragraph [0253]*).

Claim 4:

Jacobson discloses a method of uploading information, including documents, relating to the real estate or legal industries to a database, the method including the step of:

assigning at least one unique code to each information, where the at least one code identifies any one or a combination of the property, the Agent the type of property information (*Jacobson: paragraphs [0040] and [0041] and paragraph [0051]*); *First, note that the real estate information exists on the servers accessible by the "property services server platform", so the real estate information must have been uploaded. Second, the "unique code" assigned to each piece of information is the indexed value which is searched and used to retrieve each piece of information such as the "property name."*

Claim 5:

Jacobson discloses all the elements of claim 4, as noted above, and Jacobson further discloses wherein the code is an Internet meta-tag or meta data (*Jacobson: paragraph [0051]*); *The property name associated with a real-estate document and used to retrieve a real-estate document is metadata. This is because the "property name" is data describing the stored real-estate information/document.*

Claim 6:

Jacobson discloses all the elements of claim 4, as noted above, and Jacobson further discloses wherein the tag enables the information to be displayed in a predetermined order

(Jacobson: paragraph [0041], lines 11-14; Note this clearly shows you can sort (or order) the research information based upon many criteria including "names.").

Claim 7:

Jacobson discloses a method of generating a webpage relating to the legal or real estate industries *(Jacobson: paragraph [0040], lines 1-7)*, the method including the steps of:

providing property information *(Jacobson: paragraphs [0011], [0012], and [0025], lines 4-8)*,

providing Agent information *(Jacobson: paragraph [0028], lines 9-20)*, and

providing a reference to at least one property document *(Jacobson: paragraph [0064]; Note specifically paragraph [0064], lines 6-10. The reference to the property document is the "hyperlink.").*

Claim 8:

Jacobson discloses all the elements of claim 7, as noted above, and Jacobson further discloses the step of, when a property profile including Agent details is added, generating a unique hyperlink to the Agent's website *(Jacobson: paragraph [0028], lines 4-9 and paragraph [0028], lines 13-18; The property services server platform "provides" a list of deal agents available. And the user can access by a hyperlink.)*.

Claim 12:

Jacobson discloses all the elements of claim 1, as noted above, and Jacobson further discloses including the step of publishing the information with authorisation *(Jacobson: paragraph [0045], lines 15-19; Note that all the information published with the use of the "property services server platform" is protected by firewall and other security protocols. This requires a computer system to have a proper level of authorization in order to access the information in the "property services server platform." Therefore, the real estate information provided by the "property services server platform" is published with authorization.)*.

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Claim 13:

Claim 13 is rejected under the same reasons set forth in the rejection of claim 1, and Jacobson further discloses an apparatus adapted to make available and / or upload information, including documents, relating to the legal and / or real estate industries for viewing, printing and / or editing via the Internet, said apparatus including:

processor means adapted to operate in accordance with a predetermined instruction set
(Jacobson: paragraph [0010], lines 3-7),

said apparatus, in conjunction with said instruction set, being adapted to perform the method as claimed in claim 1 *(Jacobson: paragraph [0010], lines 3-7; This paragraph clearly shows that the invention of Jacob is implemented on a network of computers. Each of the computers in paragraph [0010] has processors and executes program instructions.)*.

Claim 14:

Claim 14 is rejected under the same reasons set forth in the rejection of claims 1 and 13.

Claim 15:

Claim 15 is rejected under the same reasons set forth in the rejection of claim 7.

Claim 16:

Jacobson discloses all the elements of claim 15, as noted above, and Jacobson further discloses wherein the reference to at least one document is a hyperlink *(Jacobson: paragraph [0064]; Note specifically paragraph [0064], lines 6-10. The reference to the property document is the "hyperlink.")*.

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Claim 17:

Jacobson discloses all the elements of claim 15, as noted above, and Jacobson further discloses wherein the Property Information include contract documents, Property Information and / or legal documents (*Jacobson: paragraph [0007] and paragraph [0008] and paragraph [0020], lines 1-5*).

Claim 18:

Jacobson discloses all the elements of claim 15, as noted above, and Jacobson further discloses including a checklist as to the availability of at least one property document (*Jacobson: paragraph [0009], lines 4; Note that a user can "Order Available Reports." Therefore, there must be some form of tracking list which indicates which reports are "available" and which reports are "not available."*).

Claim 19:

Jacobson discloses all the elements of claim 15, as noted above, and Jacobson further discloses wherein a status indicator is provided that includes information such as whether the document is linked, on order, to be supplied, not being supplied or not applicable (*Jacobson: paragraph [0064]; Note specifically paragraph [0064], lines 6-10. The information is "linked" if a hyperlink for the information exists. Since the hyperlink is information which shows that property information "is linked", it appears that the hyperlink acts as an indicator establishing if property information has a status of "linked."*).

Claim 20:

Claim 20 is rejected under the same reasons set forth in the rejection of claim 13, 14, and 15.

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Claim 22:

Claim 22 is rejected under the same reasons set forth in the rejection of claim 1, and Jacobson further discloses a method of online recording of changes of interest in land or real estate (*Jacobson: paragraph [0122]*).

Claim 23:

Claim 23 is rejected under the same reasons set forth in the rejection of claim 1, and Jacobson further discloses a method of online payment of government imposed levies or taxes (*Jacobson: paragraph [0581] – [0583]; These references clearly show permitting an on-line payment method for purchases. Such purchases would certainly impose at least a sales tax. This sales tax would be paid with the on-line payment. And a sales tax is a government imposed tax.*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson and further in view of U.S. Patent Number 6,760,707 issued to Amanda Provost (hereinafter “Provost”).

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Claim 9:

Jacobson discloses all the elements of claim 8, as noted above, but Jacobson fails to expressly disclose the step of generating an email to the Agent notifying the Agent of the hyperlink generated.

However, Provost discloses the step of generating an email to a user notifying the user of modification to a web site (*Provost: column 3, lines 20-28*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jacobson with the teachings of Provost noted above for the purpose of generating an email to the Agent notifying the Agent of the hyperlink generated (*Provost: column 3, lines 20-28*). The skilled artisan would have been motivated to improve the teachings of Jacobson per the above in order to verify that the update to the web page has executed (*Provost: column 3, lines 25-28*).

7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson and further in view of U.S. Patent Number 7,343,551 issued to Lubomir D. Bourdev (hereinafter “Bourdev”).

Claim 10:

Jacobson discloses all elements of claim 1, as noted above, but Jacobson fails to expressly disclose:

providing the information in a first PDF form,
inputting data to a data processing system, and

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using FDF technology to import the data into the first PDF form to create a second PDF form.

However, Bourdev discloses:

providing the information in a first PDF form (*Bourdev: column 1, lines 32-41*),

inputting data to a data processing system (*Bourdev: column 1, lines 32-41*), and

using FDF technology to import the data into the first PDF form to create a second PDF form (*Bourdev: column 1, lines 32-41*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jacobson with the teachings of Bourdev noted above. The skilled artisan would have been motivated to improve the teachings of Jacobson per the above in order to provide a means for updating the real estate portal by providing the user with forms which can submit data to a server (*Bourdev: column 1, lines 32-41*). This provides the advantage of always keeping the real estate data up to date.

Claim 11:

The combination of Jacobson and Bourdev discloses all the elements of claim 10, as noted above, and Bourdev further discloses:

providing a digital verification to the second PDF form (*Bourdev: column 1, lines 32-41; When updating the PDF, the FDF form would have to provide some kind of verification that correct fields in the second PDF to be updated are equivalent to the fields of the FDF form.*).

Examiner Notes

- The Examiner considered giving a rejection under 35 U.S.C. 101 to claim 1. However, it was determined that claim 1 sets forth the practical application of "making available...real estate information for viewing." Since claim 1 is directed to a method which sets forth a useful and practical application, the method of claim 1 was determined to be statutory under 35 U.S.C. 101.
- The Examiner considered giving a rejection under U.S.C. 101 to claim 4. However, it was determined that claim 4 sets forth the practical application of "uploading information...to a server." Since claim 4 is directed to a method which sets forth a useful and practical application, the method of claim 1 was determined to be statutory under 35 U.S.C. 101.
- The Examiner considered giving a rejection under 35 U.S.C. 101 to claim 7. However, it was determined that claim 7 sets forth the practical application of "generating a webpage." Since claim 7 is directed to a method which sets forth a user and practical application, the method of claim 7 was determined to be statutory under 35 U.S.C. 101.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. DARNO whose telephone number is (571)272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick A. Darno/
Examiner
Art Unit 2169
09-15-2008

PAD

/Mohammad Ali/
Supervisory Patent Examiner, Art Unit 2169